

CLERK

3/11/2021 10:38 am

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

PAIGE PARSONS,

For Online Publication Only

Plaintiff,

-against-

ORDER

19-CV-0813 (JMA) (AKT)

BONG MINES ENTERTAINMENT LLC,

Defendant.
_____X

AZRACK, United States District Judge:

Plaintiff, Paige Parsons (“Plaintiff”), commenced this action on February 8, 2019, against the defendant, Bong Mines Entertainment LLC (“Defendant”), alleging copyright infringement under the Copyright Act of 1976, 17 U.S.C. § 101 et seq. (ECF No. 1.) On May 6, 2020, Plaintiff moved for default judgment. On May 7, 2020, Judge Spatt referred Plaintiff’s motion to Magistrate Judge A. Kathleen Tomlinson for a Report and Recommendation (“R&R”). On January 19, 2021, Zangba Thomson, the alleged “sole proprietor and owner” of Defendant, filed a pro se opposition to Plaintiff’s motion. (ECF No. 30.) On January 21, 2021, this case was reassigned to this Court. On January 28, 2021, Plaintiff filed a motion to strike the opposition filed by Zangba Thomson. (ECF No. 31.) On February 18, 2021, Judge Tomlinson issued an R&R recommending that: (1) Plaintiff’s motion to strike Zangba Thomson’s pro se opposition on the grounds that it was impermissibly filed on behalf of the corporate Defendant and (2) Plaintiff’s motion for entry of default judgment be granted, in part, and denied, in part. (ECF No. 32.) Judge Tomlinson also recommended that Plaintiff be awarded \$4,300.00, consisting of \$2,500.00 in statutory damages, \$1,400.00 in attorneys’ fees, and \$400.00 in costs. (Id.)

In reviewing a magistrate judge’s report and recommendation, the court must “make a de

novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

To date, no objections have been filed to the R&R and the deadline for filing any such objections has passed.

I have reviewed Judge Tomlinson’s R&R for clear error, and finding none, I adopt the R&R in its entirety as the opinion of this Court. Accordingly, Plaintiff’s motion to strike Zangba Thomson’s opposition is granted and Plaintiff’s motion for entry of default judgment is granted in part and denied in part.

The Clerk of the Court is respectfully directed to enter judgment against Defendant as follows: Defendant Bong Mines Entertainment LLC is liable to Plaintiff Paige Parson for \$2,500.00 in statutory damages, \$1,400.00 in attorneys’ fees, and \$400.00 in costs for a total award of \$4,300.00.

The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: March 11, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE